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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 622**

**[Docket No. 101206604-1758-02]**

**RIN 0648-XF970**

**Coastal Migratory Pelagic Resources of the Gulf of Mexico and Atlantic Region; 2017-2018 Commercial Trip Limit Reduction for Spanish Mackerel in the Atlantic Southern Zone**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; trip limit reduction.

**SUMMARY:** NMFS reduces the commercial trip limit of Atlantic migratory group Spanish mackerel in or from the exclusive economic zone (EEZ) in the Atlantic southern zone to 1,500 lb (680 kg), in round or gutted weight, per day. This commercial trip limit reduction is necessary to maximize the socioeconomic benefits of the quota.

**DATES:** Effective 6 a.m., local time, on January 27, 2018, until 12:01 a.m., local time, March 1, 2018.

**FOR FURTHER INFORMATION CONTACT:** Mary Vara, NMFS Southeast

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**SUPPLEMENTARY INFORMATION:** The fishery for coastal migratory pelagic fish includes king mackerel, Spanish mackerel, and cobia, and is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and Atlantic Region (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils and is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622. All weights for Atlantic Spanish mackerel below apply as either round or gutted weight.

Framework Amendment 1 to the FMP (79 FR 69058, November 20, 2014) implemented a commercial annual catch limit (equal to the commercial quota) of 3.33 million lb (1.51 million kg) for the Atlantic migratory group of Spanish mackerel (Atlantic Spanish mackerel). Atlantic Spanish mackerel are divided into a northern and southern zone for management purposes. The southern zone consists of Federal waters off South Carolina, Georgia, and Florida. The southern zone boundaries for Atlantic Spanish mackerel extend from the border of North Carolina and South Carolina, which is a line extending in a direction of

135°34'55" from true north beginning at 33°51'07.9" N. lat. and 78°32'32.6" W. long., and proceed south to the intersection point with the outward boundary of the EEZ, at 25°20'24" N. lat., which is a line directly east from the border of Miami-Dade and Monroe Counties, Florida.

The southern zone commercial quota for Atlantic Spanish mackerel is 2,667,330 lb (1,209,881 kg). Seasonally variable trip limits are based on an adjusted commercial quota of 2,417,330 lb (1,096,482 kg). The adjusted commercial quota is calculated to allow continued harvest in the southern zone at a set rate for the remainder of the current fishing year, through February 28, 2018, in accordance with 50 CFR 622.385(b) (2). Regulations at 50 CFR 622.384(c) (2) (iii) allow for quota transfers between the northern and southern zones with NMFS approval. On October 30, 2017, the State of Florida sent a letter to NMFS, requesting a transfer of 100,000 lb (45,359 kg) of the 2017-2018 Spanish mackerel commercial quota from the southern zone to the northern zone, as per the requirements of 50 CFR § 622.384(c) (2) (iii). On November 1, 2017, NMFS notified the respective states that the quota transfer was approved. Accordingly, the revised commercial quota for the 2017-2018 fishing year for the Atlantic Spanish mackerel northern zone

is 762,670 lb (345,941 kg) and the revised commercial quota for the southern zone is 2,567,330 lb (1,164,521 kg) .

As specified at 50 CFR 622.385(b) (1) (ii) (B) , after 75 percent of the adjusted commercial quota of Atlantic Spanish mackerel is reached or projected to be reached, Spanish mackerel in or from the EEZ in the southern zone may not be possessed onboard or landed from a permitted vessel in amounts exceeding 1,500 lb (680 kg) per day.

NMFS has determined that 75 percent of the adjusted commercial quota for Atlantic Spanish mackerel has been reached. Accordingly, the commercial trip limit of 1,500 lb (680 kg) per day applies to Atlantic Spanish mackerel in or from the EEZ in the southern zone effective 6 a.m., local time, on January 27, 2018, until 12:01 a.m., local time, March 1, 2018, unless changed by subsequent notification in the *Federal Register*.

#### **Classification**

The Regional Administrator for the NMFS Southeast Region has determined this temporary rule is necessary for the conservation and management of Atlantic Spanish mackerel and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.385(b) (1) (ii) (B) and

is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act, because the temporary rule is issued without opportunity for prior notice and opportunity for comment.

This action responds to the best scientific information available. The NOAA Assistant Administrator for Fisheries (AA) finds that the need to immediately reduce the trip limit for the commercial sector for Atlantic Spanish mackerel constitutes good cause to waive the requirements to provide prior notice and the opportunity for public comment pursuant to 5 U.S.C. 553(b) (B) as such procedures are unnecessary and contrary to the public interest. Such procedures are unnecessary because the rules implementing the quotas and trip limits have already been subject to notice and comment, and all that remains is to notify the public of the trip limit reduction.

Prior notice and opportunity for public comment is contrary to the public interest, because any delay in the trip limit reduction of the commercial harvest could result in the commercial quota being exceeded. There is a need to immediately implement this action to protect the Atlantic Spanish mackerel resource, because the capacity of the fishing fleet allows for

rapid harvest of the commercial quota. Prior notice and opportunity for public comment would require additional time and could potentially result in a harvest well in excess of the established commercial quota.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in effectiveness of this action under 5 U.S.C. 553(d)(3).

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: January 22, 2018.

Samuel D. Rauch, III,

Deputy Assistant Administrator for Regulatory Programs,  
National Marine Fisheries Service.

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